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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1238 (1999) of 13 May 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 September 1999, and requested me to report to it every 45 days on significant developments in the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1), of the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III), and of the United Nations package of measures (S/1999/483/Add.1). The report covers developments since my previous progress report to the Security Council, dated 25 June 1999 (S/1999/721).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. My Special Representative for Western Sahara, William Eagleton, continued consultations with the two parties and interested Member States, with a view to securing implementation of the Settlement Plan and key provisions of the United Nations package. This included the initiation of the appeals process for applicants who have already been identified and the simultaneous identification of the remaining applicants from tribal groupings H41, H61 and J51/52. It also included the necessary preparations for the return of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families. Both Morocco and the Frente POLISARIO expressed satisfaction that the time-frame envisaged in the package had been respected, namely by the resumption of the identification process on 15 June and the publication of the first part of the provisional list of eligible persons with the start of the appeals process on 15 July. At the same time, both parties expressed cautious optimism for the next stages in the implementation of the Plan.

3. The reporting period was marked by the death of His Majesty King Hassan II on 23 July, which put an abrupt end to a distinguished reign of almost four decades. I attended the funeral of King Hassan II on 25 July, and met briefly with His Majesty King Mohammed VI and senior Moroccan government officials, President Abdelaziz Bouteflika of Algeria, as well as with my Personal Envoy and Special Representative while in Rabat. In his Throne Speech on 30 July, His Majesty King Mohammed VI renewed his commitment to Morocco's territorial integrity through the holding of a "confirmative" referendum under the auspices of the United Nations. The same day, President Bouteflika reiterated that the Western Sahara issue should be dealt with by the United Nations and within the framework of the Houston Agreements, while the issue of Algeria's bilateral relations with Morocco was to be addressed between the two countries.

4. At a meeting with my Special Representative and the Identification Commission at Rabat on 31 July, the Minister of the Interior of Morocco, Driss Basri, confirmed his country's determination to proceed with the holding of the referendum and urged all concerned to speed up preparations for the repatriation of Saharan refugees, requesting the Office of the United Nations High Commissioner for Refugees (UNHCR) to increase activities to that effect. At the same time, the Minister expressed concern regarding the results of the second phase of the identification operation and what he considered to be its restrictive terms for eligibility.

A. Identification and appeals

5. During the reporting period, the identification operations continued at Laayoune in the Territory and at Tan Tan and Goulimine in southern Morocco. Two new identification centres were opened, one at Assa in southern Morocco on 5 July 1999, the other at Nouadhibou in Mauritania on 19 July. On 24 July, MINURSO suspended the identification and appeal operations for one week, as a mark of respect for the late King. As at 23 July 1999, 9,674 individual applicants from tribal groupings H41, H61 and J51/52 had been interviewed since the resumption of identification on 15 June 1999. This brought the number of applicants interviewed since the identification process was launched on 28 August 1994 to a total of 155,923.

6. At Rabat on 9 July, my Special Representative met with Interior Minister Basri, who reiterated Morocco's concern about several thousand applicants having been eliminated during the review exercise undertaken by the Identification Commission throughout the identification process. In my reply of 9 July 1999 to the Moroccan Minister for Foreign Affairs, Mohamed Benaissa, who had expressed similar concerns in a letter dated 14 May, I emphasized that those applicants would have a full opportunity to seek and obtain redress through the appeals process, if it was concluded that they had been withdrawn without valid reason from the provisional list of voters. In my letter, I also explained the review procedures, which may reverse the initial decision of the interviewing Identification Commission member to include or to exclude applicants from the provisional list.

7. The appeals process was launched by the Identification Commission on 15 July 1999, when the first part of the provisional list of persons authorized

to vote was communicated by my Special Representative to the two parties and made public. That first part included 84,251 names of applicants found eligible to vote, out of 147,249 identified during the first two phases of the process from 28 August 1994 to 22 December 1995 and from 3 December 1997 to 3 September 1998. On 16 July, in reply to a letter from Interior Minister Basri on the issue of the several thousand reviewed cases, my Special Representative indicated that, for the sake of transparency, the Identification Commission would provide the parties with the list of reviewed cases. This was effected on the same day. On 4 August, further concerns on the review issue were expressed by Foreign Minister Benaissa during his meeting with me at Headquarters.

8. Three appeals centres were initially opened, at Laayoune in the Territory, at Camp Smara in the Tindouf area of Algeria and at Nouadhibou in Mauritania. Additional centres were then opened on 22 July at Tan Tan and Goulimine in southern Morocco; on 2 August at Marrakech in Morocco, at Dakhla, Boujdour and Smara in the Territory, and at Zouerate in Mauritania; on 9 August at Sidi Kacem, Al Kalaa, Meknes, Rabat and Casablanca in Morocco, and a second mobile centre was also opened in the Tindouf area, to cover camps El Aiun, Dakhla and Awsard. As at 11 August 1999, a total of 18,914 persons had presented themselves to the centres and submitted 22,159 requests for file transcripts for themselves and their immediate family members; 520 had asked to consult their own original files; and 1,999 appeals had been filed.

9. On 20 and 21 July, Minister Basri, accompanied by a delegation of Moroccan government ministers, visited Laayoune and met with sheikhs, Moroccan observers and other officials. In a public address on this occasion, Mr. Basri noted that the provisional list contained 46,255 voters from Morocco (and the Territory), 33,786 from the Tindouf camps and 4,210 from Mauritania. At the same time, he alleged bias by certain members of the Identification Commission. Similar criticism was carried in the Moroccan press.

10. Two issues have caused some delays in the identification operation for certain tribes in grouping H61, namely the appointment of sheikhs and that of their advisers. Under paragraph 9 of the identification protocol (see S/1999/483/Add.1), the parties were to appoint two sheikhs each for the identification of applicants from the Ait Ousa tribe, the first pair before 1 June 1999 and the second pair before 1 August 1999. Morocco's appointment of the latter is awaited. With regard to the advisers to the sheikhs, this issue pertains only to the group of 13 tribes listed in paragraph 10 of the identification protocol. In this regard, Morocco objected to the fact that the advisers designated by the Frente POLISARIO were not members of the tribes concerned. The Identification Commission and the United Nations Secretariat were of the opinion that, under paragraph 10 of the identification protocol, the adviser who could be designated for each of the 13 tribes was not necessarily a member of the tribe concerned. Originally scheduled for 30 June 1999, the identification of applicants from that group of tribes had to be postponed, pending a resolution of this issue.

11. In view of the shortage of staff which had necessitated the staggered opening of the appeals centres, and of the persisting problems in connection with the identification operations, the Identification Commission decided, with the agreement of the parties, to deploy all available staff to the appeals

process and to suspend identification operations for three weeks, starting from 2 August 1999.

12. The Identification Commission held a meeting for registration officers on 11 July 1999 and a joint meeting for the members of the Commission and registration officers, with the participation of my Special Representative, on 28 and 29 July. The purpose of the meetings was to evaluate the experience gained in the identification and appeals operations of the past few weeks and to exchange views on the preparation of specific guidelines for receiving the appeals, so as to ensure that all the Commission staff strictly adhere to the provisions of the identification and appeals protocols.

B. Military aspects

13. As at 9 August 1999, the military component of MINURSO stood at 230 military observers and other personnel (see annex). Under the command of Major-General Bernd S. Lubenik (Austria), the component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities in the near future.

14. With regard to the implementation of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco, relating to the carriage of weapons, a draft proposal to that effect prepared by MINURSO is currently under review by the United Nations Secretariat.

15. Satisfactory progress has been made in the implementation of the military agreements between MINURSO and each party on the marking and disposal of unexploded ordnance and the related exchange of detailed information. Both parties continued to extend their full cooperation, with approximately 60 per cent of current tasks west of the defensive sand-wall (berm) and 30 per cent of those east of the berm completed.

16. Following meetings between MINURSO and UNHCR, it was agreed that joint reconnaissance patrols would be initiated throughout the area of responsibility, in order to identify potential routes for the repatriation of refugees. These patrols began on 26 July 1999.

C. Civilian police aspects

17. The civilian police component of MINURSO is currently assisting the Identification Commission at identification and appeals centres. Its current strength stands at 78 civilian police officers (see annex) out of an authorized strength of 81, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). The remaining two civilian police officers are scheduled to arrive shortly. In addition to the currently authorized strength of 81, 25 civilian police officers will be needed in order to assist the Identification Commission in conducting the identification and appeals processes simultaneously, as required.

D. Preparatory work for the repatriation of Saharan refugees

18. During the reporting period, UNHCR, in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. A UNHCR mission visited Laayoune from 13 to 15 July 1999 to discuss with MINURSO the ongoing preparations for the repatriation of Saharan refugees, as related to the revised time-frame for the implementation of the Plan. Discussions focused on outstanding political issues, logistics planning, confidence-building measures and administrative matters. UNHCR and MINURSO agreed on the need for a common approach and decided to hold a joint follow-up workshop in Laayoune in September 1999.

19. At a brief meeting with UNHCR in Rabat on 15 July 1999, Interior Minister Basri conveyed his Government's full support and cooperation to enable UNHCR to complete its work for the return of refugees, in accordance with its mandate and as provided for in the Settlement Plan. Meanwhile, my Special Representative, together with UNHCR, visited Tindouf, where he met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, its Coordinator with MINURSO, Emhamed Khadad, and other POLISARIO officials, to review current planning for the repatriation of refugees and other issues. The return by road to Laayoune from Tindouf through Bir Lahlou, Mehaires and Smara enabled my Special Representative to visit MINURSO team sites and to gain first-hand knowledge of the main repatriation road.

20. The draft plan of action on confidence-building measures presented to the Security Council in June 1999 was subsequently submitted to the parties, with a view to securing their cooperation on implementation procedures and a time-frame. During the preliminary discussions, both parties concurred on the importance of such cross-border activities to create confidence both within the camps and in the Territory. The draft plan will be discussed with the Frente POLISARIO in Tindouf and will be discussed with the Moroccan authorities during a mission scheduled for late August 1999.

21. Joint MINURSO-UNHCR road reconnaissance trips were carried out east and west of the berm to gather relevant information for planning the return of the refugees. The pre-registration and the needs assessment of the refugees in the Tindouf camps continue. To date, 22,656 individuals (3,075 families) have been pre-registered in Camp El Aiun. The pre-registration exercise also resumed at Nouadhibou and Zouerate in northern Mauritania, where 548 individuals (121 families) were pre-registered.

III. FINANCIAL ASPECTS

22. By its resolution 53/18 B of 8 June 1999, the General Assembly appropriated the amount of $52.1 million, equivalent to a monthly rate of $4.3 million, for the maintenance of MINURSO for the period from 1 July 1999 to 30 June 2000. I shall revert to the Assembly should additional resources be required for the conduct of the identification and appeals processes.

23. As at 31 July 1999, unpaid assessed contributions to the MINURSO special account amounted to $60.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,929.7 million.

IV. OBSERVATIONS

24. The resumption of the identification operation and the initiation of the appeals process, as well as the publication of the first part of the provisional voters list, have been achieved. Preparations for the repatriation of refugees are now being stepped up by UNHCR and MINURSO with the parties concerned. It is now important that confidence-building measures be implemented promptly through the establishment of communication facilities and visits.

25. At the same time, it should be recognized that delays in solving certain issues in the identification operation, the staggered opening of the appeals centres, compounded by difficulties in meeting the staffing requirements, have affected parts of the timetable for the referendum process. Special efforts are being made by the Secretariat to increase the staffing of the Identification Commission to the required levels. However, taking into account the increasing number of appellants visiting the appeals centres, as well as the expected number of appeals to be filed, and the concurrent running of the identification operations and the appeals process, additional resources may have to be considered in order to respect the agreed time-frame. The full cooperation of both parties with MINURSO for the timely completion of the identification and appeals processes remains essential.

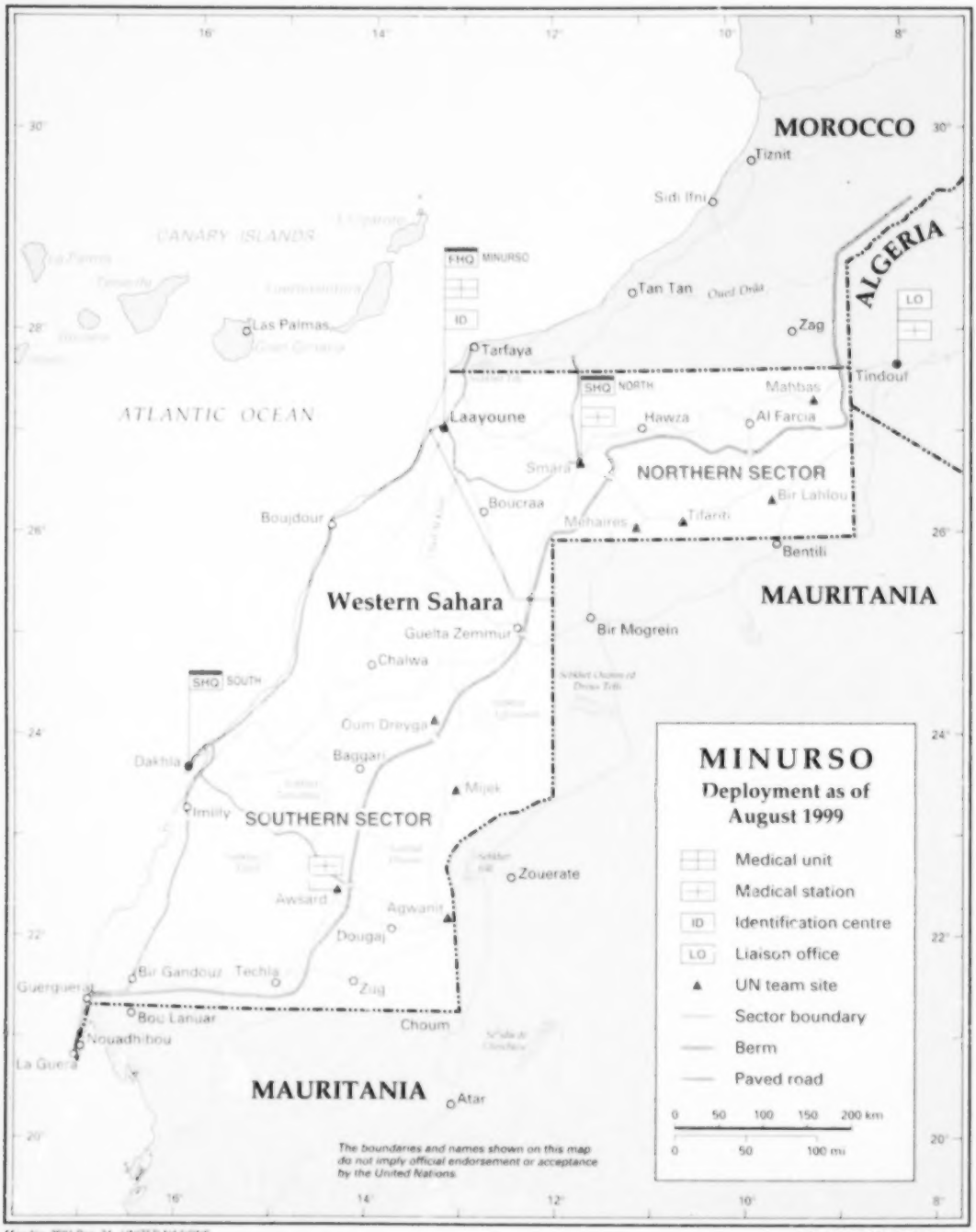
Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 9 August 1999

	Military observers	Troops	Civilian police observers	Total
Argentina	1	-	-	1
Austria	5	-	-	5*
Bangladesh	6	-	-	6
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	10	23
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Hungary	-	-	5	5
Ireland	7	-	-	7
India	-	-	10	10
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	10	23
Nigeria	5	-	8	13
Norway	-	-	2	2
Pakistan	6	-	9	15
Poland	3	-	-	3
Portugal	4	-	9	13
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Senegal	-	-	4	4
Sweden	-	-	10	10
Uruguay	13	-	-	13
United States of America	15	-	-	15
Venezuela	3	-	-	3
Total	203	27	78	308

* In addition to the Force Commander.



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